

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

RAY N. JOHANSEN

No. C 09-5018 CRB

Plaintiffs,

**ORDER GRANTING DISMISSAL OF  
FEDERAL CLAIMS AND  
DISMISSING CASE FOR LACK OF  
SUBJECT MATTER JURISDICTION**

v.

FIRST FRANKLIN LOAN SERVICES, et  
al.,

Defendants.

This action was brought in federal court claiming various breaches of defendants' legal obligations. Defendants have moved to dismiss all claims.


Plaintiff does not oppose dismissal of the two federal claims at issue in this case: violation of the Truth in Lending Act, 15 U.S.C. § 1601, and violation of the Real Estate Settlement Procedures Act, 12 U.S.C. § 2605. Therefore, those claims are dismissed.

However, jurisdiction was originally premised on those federal claims. Moreover, it appears that the parties are not completely diverse, and therefore there is no jurisdiction under 28 U.S.C. § 1332. While this Court could elect to maintain supplemental jurisdiction over the remaining claims under 28 U.S.C. § 1367, it chooses not to. See 28 U.S.C. § 1367(c)(3) (providing that a district court may decline to exercise supplemental jurisdiction where it "has dismissed all claims over which it has original jurisdiction").

1 Because this case must be dismissed for lack of subject matter jurisdiction, there is no  
2 need to reach the remainder of defendants' motions to dismiss. This case is therefore  
3 DISMISSED for lack of subject matter jurisdiction.

4 **IT IS SO ORDERED.**

7 Dated: March 12, 2010

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CHARLES R. BREYER  
UNITED STATES DISTRICT JUDGE